

BILL NO. 138-2012-17

ORDINANCE NO. 138-2012-17

**ORDINANCE REPEALING ORDINANCE NO. 138 dated 11/01/2004
AND ENACTING IN ITS PLACE A NEW ORDINANCE NO. 138-2012-17**

WHEREAS, Ordinance 138 dated 11-1-2004 of the Ordinances of the Village of Oakwood, Missouri currently reads as set forth in **Exhibit 1** attached hereto.

WHEREAS, the Board of Trustees wish to clarify the Ordinance regulating nuisances, the maintenance of Property and Storing and Parking of Vehicles within the Village of Oakwood, Clay County, Missouri.

WHEREAS, the City Attorney has proposed modifications to Ordinance 138 dated 11-01-2004 to address the Board of Trustees' concerns regarding this issue.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF
THE VILLAGE OF OAKWOOD, MISSOURI AS FOLLOWS:**

Effective immediately the previously existing version of Ordinance No. 138 of the Ordinances of the Village of Oakwood, Missouri dated 11-01-2004 is repealed and the new Ordinance No. 138-2012-17 of the Ordinances of the Village of Oakwood, Missouri is enacted which shall read as follows:

BILL NO. 138-2012-17

ORDINANCE NO. 138-2012-17

**AN ORDINANCE TO REGULATE NUISANCES, THE MAINTENANCE OF
PROPERTY AND THE STORING AND PARKING OF VEHICLES WITHIN
THE VILLAGE OF OAKWOOD, CLAY COUNTY, MISSOURI.**

Whereas the Board of Trustees of the Village of Oakwood, Clay County, Missouri, has deemed it necessary to regulate nuisances, the maintenance of property and storing and parking of vehicles within said Village for the purpose of promoting the health, welfare and safety within the Village and for the purpose of preventing blight, controlling nuisances and maintaining property values

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE
OF OAKWOOD AS FOLLOWS:**

SECTION 1: GENERAL

1. **Scope:** The provisions of this ordinance shall cover the minimum conditions and responsibilities of persons for the prevention of nuisances, maintenance of structures, premises, storm waterways, and vehicles within the Village.
2. **Responsibility:** The owner of the premises shall maintain compliance with these requirements. A person shall not occupy as an owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this ordinance.

3. **Violations:** Violations are set forth herein and may be enforced in the same manner as a violation of any ordinance of the Village of Oakwood.
4. **Validity:** If any clause, sentence, or part of this ordinance shall be held invalid, such invalidity shall not invalidate the remainder.
5. **Dangerous Buildings.** Any nuisance, which rises to the level of a dangerous building, will be covered by separate ordinance under the title of "Dangerous Buildings."

SECTION 2: DEFINITIONS

1. **Board:** Means the Board of Trustees of the Village of Oakwood, Missouri
2. **Structures:** A "structure" includes a residential home, detached garage, out building or other construction on the premises owned by a private citizen within the Village of Oakwood.
3. **Premises and yard:** "premises" as used in this ordinance shall mean any lot, plot, parcel of land, including, easement or public way, including any structures thereon. The term "yard" is the open land of the premises and includes the adjacent roadside right of way and roadside storm water drainage ditch.
4. **Vacant Residences:** Vacant residences shall mean any residence that for any 12-month period is occupied for less than 6 months time in total. A structure will not be considered vacant which is occupied for a portion of the year because the residents have another residence at which they spend a significant amount of time during said year.
5. **Vehicles:** A "vehicle" as used in this ordinance shall mean any devise designed to travel along and/or over the ground or water by use of wheels, treads, runners, rudders or slides in order to transport persons and/or property, and may or may not include a motor to propel said devise. Said term shall include but not be limited to automobiles, trucks, vans, SUVs,, ATVs, motor homes, tractors, trailers, bicycles, motorcycles, boats or any portion thereof.
6. **Weeds:** "Weeds" as used in this ordinance shall not pertain to unimproved land (wooded land), shall mean any vegetation that is noxious or poisonous, or because of its height causes a blighting condition or visual impairment to motorists or pedestrians within the Village. It shall include but not be limited to wild shrubbery, wild plants, brush, vines and all grasses. Weeds shall not include cultivated flowers and gardens.
7. **Screened from public view:** As referred to in this ordinance can include but not be limited to, the placement of evergreen trees, shrubs, and privacy fencing that blends with the landscape.

SECTION 3: NUISANCES AFFECTING HEALTH

The following are declared to be nuisances affecting health and are prohibited:

1. Pollution by sewage waste, or other substance harmful to human beings, including but not limited to waste chemicals, paint, gasoline, benzene, naphtha, oil or petroleum products,
2. The pollution of air with dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities, or in quantities sufficient to be toxic, harmful or injurious to the health of humans.
3. Any sound or noise which annoys, disturbs, or has an adverse affect on humans, or which endangers the health or safety of humans or animals, or which annoys or disturbs a reasonable person of normal sensitivities is prohibited.
4. The obstruction of any storm drainage culvert or ditch by any object or substance including but not limited to rocks, fill dirt, mud, straw, lawn clippings, tree limbs, branches or roots, metal or plastic objects, rags, garbage or any other substance which is capable of causing an obstruction to the open flow of the storm system or interfere with the designed operation of the system and protection of the road base.
5. The keeping of large farm animals.
6. The discarding or dumping of any material including but not limited to yard waste, tree limbs, garbage or trash, litter, waste water, waste concrete, tile or stone, tainted soil, toxic chemicals, asbestos containing materials, drywall products and building demolition waste within the Village of Oakwood is prohibited.
7. **Violation:** When a violation of this section is determined to exist, the procedures for issuing notice for a violation shall be followed as set forth in the general ordinance violation procedure as set forth in Ordinance No. 158-2012-17. A fine of one hundred dollars (\$100.00) per day will be assessed for each violation.

SECTION 4: STORING AND PARKING VEHICLES

1. **Parking:** No parking shall be permitted in the yard of any premises except that on and in alignment or parallel with an approved driveway surface that leads to a garage or carport unless screened from public view.
2. **Inoperable or Unlicensed:** No inoperable or unlicensed vehicle shall be parked, maintained or stored on any premises unless screened from public view, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped, disassembled or dismantled unless screened from public view.

3. **Unused Vehicles:** Vehicles, which are licensed and operable but are not used on a daily basis, shall be kept in an enclosed structure or screened from public view.
4. **Overnight Parking:** No Village street or right-of-way shall be used for overnight parking.
5. **Unattended Vehicles:** Vehicles parked and left unattended for more than forty-eight (48) hours on any Village street and/or right-of-way are subject to being towed without notice. The cost of storage and towing shall be the responsibility of the owner. Vehicles parked on any Village street and/or right-of-way, which causes any obstruction to traffic, is subject to immediate towing at the expense of the owner.
6. **Commercial Vehicles:** Commercial vehicles greater than one (1) ton in payload weight and/or tandem axle trailers of any payload weight designed for commercial purposes shall not be parked on any residential street or any premises. The following exceptions apply: Well maintained small to medium personal use trailers 20' or shorter in length with one or two axles may be parked on premises when screened from public view.
7. **Violation:** When a violation of this section is determined to exist, the procedures for issuing notice for a violation shall be followed as set forth in the general ordinance violation procedure as set forth in Ordinance No. 158-2012-17. In addition to the fines, court costs and other related expenses provided in said Ordinance No. 158-2012-17, the responsible party may be subject to a fine of not more than five hundred dollars (\$500.00). If the owner does not claim said vehicle within sixty (60) days, the Village may dispose of said vehicle in accordance with Missouri state law at its discretion.

Section 5: MAINTENANCE OF STRUCTURES AND ON SITE SYSTEMS

1. **Exterior:** The exterior of a structure shall be maintained in good repair, be structurally sound, and be safe and sanitary so as not to pose a threat to the public health or safety nor be the cause of a blighting condition to the neighborhood.
2. **Attachments:** Chimneys, stairways, decks, porches, balconies, fences and all other (whether or not attached to the exterior of a structure) shall be structurally sound, safe, and kept in good repair.
3. **Driveways:** Driveways, sidewalks, and walkways shall be kept free from hazard or obstruction.
4. **Infestation and Odors:** All premises shall be kept free from insect and rodent infestation. All premises and systems, including on site waste water systems, shall be maintained in a manner so as not to cause or emit noxious odors or otherwise create a health risk.

5. **Pools:** Swimming pools, spas and hot tubs shall be maintained in a clean and sanitary condition, and in good repair. Natural pools, fountains, or other water displays shall also be maintained in a manner to avoid creating a health risk.
6. **Violation:** When a violation of this section is determined to exist, the procedures for issuing notice for a violation shall be followed as set forth in the general ordinance violation procedure as set forth in Ordinance No. 158-2012-17. In addition to the fines, court costs and other related expenses provided in said Ordinance No. 158-2012-17, the responsible party may be subject to a fine of one hundred dollars (\$100.00) per day per violation until the violation(s) are corrected.

SECTION 6: MAINTENANCE OF YARDS, STORM DRAINAGE SYSTEMS AND ROADSIDE RIGHT OF WAYS

1. **Premises:** All exterior premises shall be maintained in a clean, safe and sanitary condition. The owner and/or occupant shall keep that part of the exterior premises in which the owner and/or occupant occupies or controls in a clean, safe and sanitary condition.
- × 2. **Weeds and lawns:** All premises and exterior property including roadside water drainage ditches, culvert entrances and exits, shall be maintained free from weeds and plant growth in excess of ten (10) inches. All weeds or other vegetation posing unhealthful conditions shall be cut regardless of height. For purposes of this section (except for roadside drainage ditches and culvert entrances and exits) weeds, plant growth or other vegetation shall not include trees, shrubs, cultivated flowers, gardens, natural waterways that are not roadside, and areas of a property that are screened from public view. Lawns (while growing and visible to the public) shall be mowed to the street's edge.
3. **Trees:** Any tree that is partially or completely uprooted, dying, otherwise damaged, or presents a hazard to the roadway, or to others, or to the general safety of the Village shall be pruned or removed from public view. New trees and shrubs shall not be planted or allowed to sprout and grow within road right-of-ways, when in or near roadside water drainage ditches, or within 15 feet of storm water culvert entrances and exits, except where road maintenance is not a village responsibility. New trees that will have a large canopy at maturity greater than 30-feet in diameter shall not be planted or allowed to sprout and grow within the tree's mature root or canopy radius from storm water culverts and the road's edge.
4. **Yard Waste:** Except for composting purposes or an area screened from public view, vegetation, such as weed cuttings, grass clippings, cut and fallen trees, limbs, and brush shall not accumulate on any premises and shall be removed and disposed of in a proper manner.
5. **Trash:** The accumulation of visible discarded items of personal property, construction debris, old tires, and flammable or otherwise noxious materials shall not be permitted. Trash shall be disposed of in a timely fashion.

6. **Lumber, Junk and Debris:** The accumulation of openly visible deteriorating non-useful quantities of lumber, junk and other debris shall not be permitted and shall be disposed of in a timely fashion.
7. **Useful Items:** Useful items stored on the premises shall be screened from view and shall not provide a harbor for pests.
8. **Roadside Storm Drainage Ditches, Culverts:** Roadside drainage ditches, swales, culverts, and inlets shall always be sized by an engineer, including adjacent property owner installed culverts running under driveways, yards, or parallel with road drainage ditches, shall be maintained fully open, free of sediment, plant growth, weeds and leaves, free of newly sprouted trees, and shall not be filled in or altered in any way by anyone, including that which restricts the designed volume of flow, without a prior approval permit from the Board of Trustees. Open roadside ditches shall always be maintained at a level below the bottom of the downstream output end of all homeowner's driveway, storm water, and road culverts, so as not to cause back filling of the culverts with sediment, and thereby restrict the designed functioning and volume of flow of those culverts. In any circumstance a (9) inch minimum depth roadside swale, measured (90) degrees from the roads edge shall be maintained to keep major storm water from running onto the roads surface. Owners who place personal property in road right of ways do so at their own risk.
9. **Concrete Washout:** The washing out of concrete trucks in any area of the Village without the prior approval of the Board is strictly prohibited.
10. **Signs:** Village owned signs including road directional signs, hazzard signs and Village entry signs, placed on a temporary or permanent basis shall not be altered, moved, removed, or replaced by anyone without prior approval of the board of trustees
11. **Violation:** When a violation of this section is determined to exist, the procedures for issuing notice for a violation shall be followed as set forth in the general ordinance violation procedure as set forth in Ordinance No. 158-2012-17. In addition to the fines, court costs and other related expenses provided in said Ordinance No. 158-2012-17, the responsible party may be subject to a fine of not more than five hundred dollars (\$500.00).

SECTION 7: GARAGE/ESTATE SALES/SIGNS

1. **Garage/Estate Sales:** No more than two (2) garage/estate sales shall be held at any one address during a calendar year. Each sale may last up to a maximum of three (3) consecutive days. Only residents of the Village may conduct a garage sale at said resident's property. The resident conducting any sale is responsible for maintaining proper flow of traffic and/or congestion caused by said sale.
2. **Advertisements:** All signs and advertisements whether or not pertaining to a garage/estate sale should be placed on display no sooner than twenty-four (24)

hours in advance of the occasion and should be removed promptly, no more than twenty-four (24) hours after the occasion has ended. A maximum of four (4) signs, no more than four (4) square feet in size, shall be permitted within the Village.


3. **Violation:** When a violation of this section is determined to exist, the procedures for issuing notice for a violation shall be followed as set forth in the general ordinance violation procedure as set forth in Ordinance No. 158-2012-17. A fine of one hundred dollars (\$100.00) per day will be assessed for each violation.

SECTION 8: PROCEDURE


1. **Unlawful to Cause, Maintain With Village of Oakwood.** It is unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee, or occupant having control of any occupied lot or land or any part thereof in the Village of Oakwood, Missouri, to cause, permit or maintain a nuisance on any such lot or land or fail to maintain property or store vehicles as required herein. Additionally, it is unlawful for any person or his/her agent, servant, representative or employee to cause or maintain a nuisance on the land or property of another with or without permission.
2. **Daily violation** Each day that a nuisance shall be maintained is a separate offense.
3. **Authority to Abate Emergency Cases.** In cases, where it reasonably appears that there is an immediate danger to the health, safety or welfare of the public due to the existence of a nuisance, the Village shall have authority to immediately abate the violation in an appropriate manner.
4. **Abatement-Procedure Generally.** Whenever the Board of Trustees receives notification that a violation may exist, it shall proceed as follows, except as may be otherwise provided herein:
5. **Board shall investigate the same.** The Board may order any person who has caused or is maintaining the violation to appear before the Board at such time and place as the Board may direct to show cause, if any, why that person should not abate the violation. Every person required to appear before the Board shall have at least ten (10) days' notice thereof.
6. **Notice signed by Village Trustee.** Such notice shall be signed by a Village Trustee and shall be served upon that person by delivering a copy thereof to the person, or by leaving a copy at his/her residence with some member of the family or household over fifteen (15) years of age. If the notice cannot be given for the reason that the person named in the notice or his/her agent cannot be found in the Village, of which fact the return upon such notice of the officer/official serving the same shall be conclusive evidence, such notice shall be published in a daily newspaper for three (3) consecutive weeks, if a daily, or once, if a weekly paper, giving at least ten (10) days' notice from the final publication date of the time fixed for the parties to appear before the Board.

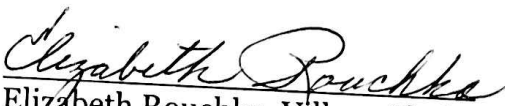
7. **Order to Abate.** If after hearing all the evidence the Board of Trustees may determine that a violation exists, it may order the person to abate the violation within twenty (20) days or within such other time as the Board may deem reasonable. Such order shall be served in the manner provided in this Section for service of the order to show cause. The order may further provide that the Board may abate the violation if the order is not obeyed within the time period set by the Board, and that a special tax bill be issued for the costs of abating the nuisance.
8. **Abatement of the Violation.** If the order has not been obeyed within the time period set by the Board, the Board shall proceed to abate the violation in the manner provided by the order of the Board, and the cost of same, if ordered by the Board, may be assessed as a special tax against the property so improved or upon which such work was done; and, if so ordered, the Village Clerk shall cause a special tax bill therefore against the owner thereof when known, and if not known then against the unknown persons, and the certified bills of such assessment shall describe therein the property upon which the work was done.
9. **Tax Bill.** The bills for the above work shall be recorded and shall be collected and paid as provided for the collection of other special tax bills for the repairing of sidewalks or grading or paving of streets and shall be a lien on the property. Such tax bills if not paid when due shall bear interest at the rate of six percent (6%) per annum.
10. **Cost levied and assessed.** The cost of abating violations on private property shall be levied and assessed on each lot in proportion to the amount of work done and material used in abating the violation located on each such lot.

Passed this 17 day of AUGUST, 2017.


 Daniel W Rouchka, Chairman, Board of Trustees,
 Village of Oakwood, Clay County, Missouri

Approved this 17 day of AUGUST, 2017.


 Daniel W Rouchka, Chairman, Board of Trustees,
 Village of Oakwood, Clay County, Missouri


 Elizabeth Rouchka, Village Clerk